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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,078	09/25/2003	Robert Parlee	parlee01.005	5824

25247 7590 04/29/2005

GORDON E NELSON  
PATENT ATTORNEY, PC  
57 CENTRAL ST  
PO BOX 782  
ROWLEY, MA 01969

EXAMINER

BECK, DAVID THOMAS

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/671,078	PARLEE, ROBERT	
	<b>Examiner</b>	<b>Art Unit</b>	
	David T. Beck	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 17 and 19-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/25/03</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of group III and species B in the reply filed on 10/18/2004 is acknowledged. The traversal is on the ground(s) that the product cannot be made by a process that does not include curing in a mold. This argument is found to be persuasive.

However, the restriction is maintained as proper between groups II and III because the inventions are distinct, each from the other because of the following reasons:

Inventions III and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make other and materially different products which include carbon tubes and require joints or connectors, such as airplanes, hang gliders, go-carts, golf clubs or fishing poles.

Therefore, the requirement is still deemed proper.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 17 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Trimble (4,986,949).

With regard to claim 17, Trimble teaches a method of making lugs for joints in a bicycle frame made of carbon fiber tubes (abstract), the method comprising the steps of: making a lay-up of at least carbon fibers and a matrix material around the joint (column 17, lines 19-33), applying a mold to the tubes and laid-up fibers and matrix material (column 17, line 50), and curing the lug in the mold, the cure including expansion of an element enclosed by the mold (column 17, lines 53-59).

With regard to claim 19, Trimble teaches the step of making the lay-up includes the step of including a layer of expanding foam in the lay-up; and in the step of curing the lug in the mold, the cure includes expansion of the foam (column 20, lines 3-7).

With regard to claim 20, Trimble teaches the step of making a lay-up includes the steps of: wrapping each tube in the joint with a first carbon fiber fabric that is impregnated with the matrix material, the ends of the fabric extending beyond the tube (column 17, lines 19-43); wrapping the ends of the carbon fiber fabric that is wrapped around a given tube around the tube the given tube joins to (column 17, lines 19-43); wrapping the entire joint in a second carbon fiber fabric whose fibers have an orientation different from that of the fibers in the first carbon fiber fabric (column 18, lines 10-15).

With regard to claim 21, Trimble teaches the step of making a lay-up further includes the step of: including a layer of expanding foam in the lay-up (column 7, lines 33-52, a core is the innermost part of a lay-up).

With regard to claim 22, Trimble teaches the step of including an expandable bladder is included before the step of wrapping the entire joint in a second carbon fiber fabric (column 19, lines 38-50). Trimble also teaches that a layer of expandable foam can replace some or all of the bladders (column 10, lines 21-23). Therefore, Trimble teaches that the step of including a layer of expanding foam is performed before the step of wrapping the entire joint in a second carbon fiber fabric.

With regard to claim 23, Trimble teaches the step of wrapping the entire joint is done such that all seams in the second carbon fiber fabric are at the top and bottom of the tubes and the second carbon fiber fabric is overlapped at the seams (figure 2a, number 95; figure 2b, number 95).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David T. Beck whose telephone number is 571-272-2942. The examiner can normally be reached on Monday - Friday, 8AM - 5:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 517-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DTB  
April 26, 2005

*DTB*

  
**MICHAEL P. COLAIANNI**  
**SUPERVISORY PATENT EXAMINER**